

*IFW***TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight
and Scott Siegel

Application No. 09/927,703

Filed: August 10, 2001

Confirmation No.: 8249

For: Anti-TNF Antibodies and Peptides of Human Tumor Necrosis Factor

The owners, Centocor, Inc. and New York University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. §§154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 11/170,753, filed on June 29, 2005) of any patent on the pending second application. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The terminal disclaimer fee under 37 CFR §1.20(d) is enclosed.

The undersigned is an attorney or agent of record.

August 21, 2006
Date

Deirdre E. Sanders
Deirdre E. Sanders
Registration No. 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

PATENTS, TRADEMARKS
COPYRIGHTS & LITIGATION

530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.hbsr.com

MUNROE H. HAMILTON
(1906-1984)

DAVID E. BROOK
JAMES M. SMITH
JOHN L. DUPRE
DAVID J. BRODY
MARY LOU WAKIMURA
ALICE O. CARROLL
N. SCOTT PIERCE
SUSAN G. L. GLOVSKY
DOREEN M. HOGLE
DAVID J. THIBODEAU, JR.
ANNE J. COLLINS
TIMOTHY J. MEAGHER
STEVEN G. DAVIS
DEIRDRE E. SANDERS
MARY K. MURRAY
MARK B. SOLOMON
BRIAN T. MORIARTY*

THOMAS J. ARRIA
MICHAEL J. BADZINSKI
SUMEDHA A. BAHRI
SETH M. CANNON
JEAN-PAUL CASS
MARIA CEDRONI
H. JOON CHUNG
F. JAMES COE
KRISTIN A. CONNARN
CHRISTINE M. DOE
COLIN C. DURHAM
CAROL A. EGNOR
GIOVANNA FESSENDEN
JERRY KAZANJIAN
KEVIN T. SHAUGHNESSY
ROBERT H. UNDERWOOD
KEITH J. WOOD
MICHAEL M. YAMAUCHI

OF COUNSEL
LEO R. REYNOLDS
ELIZABETH W. MATA
DARRELL L. WONG

PATENT AGENTS
SUSAN M. ABELLEIRA
ALEXANDER AKHIEZER
KAMILAH ALEXANDER
ERIC M. BALICKY
MICHAEL GOTTSSELIG
SUSAN C. KELLY
VIVIEN J. TANNOKH-MAGIN
PAMELA A. TORPEY

TECHNOLOGY SPECIALISTS
JOHN T. HURLEY
SARAH J. RODRIGUEZ
BOOYONG SHIM LIM
BENJAMIN J. SPARROW
CHRISTIANA ZHANG

MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE

*NOT ADMITTED IN MA



| | |
|---|-------------------|
| CERTIFICATE OF MAILING OR TRANSMISSION | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on: | |
| 08/21/06 | Kelley A. Sanders |
| Date | Signature |
| Kelley A. Sanders | |
| Typed or printed name of person signing certificate | |

August 21, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicants: Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb,
David M. Knight and Scott Siegel
Application No.: 09/927,703
Filed: August 10, 2001
Confirmation No.: 8249
Title: "Anti-TNF Antibodies and Peptides of Human Tumor Necrosis
Factor"
Docket No.: 0975.1005-013

Sir:

Please find enclosed a Terminal Disclaimer for filing in the above-referenced application.

The statutory fee in the amount of \$130.00 for filing the disclaimers is attached. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders

Deirdre E. Sanders
Registration No. 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136